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Richard F. Holley, Esq. (NV Bar No. 3077)  
 Victoria L. Nelson, Esq. (NV Bar No. 5436)  
 Ogonna M. Atamoh, Esq. (NV Bar No. 7589)  
 SANTORO, DRIGGS, WALCH,  
 KEARNEY, JOHNSON & THOMPSON  
 400 South Fourth Street, Third Floor  
 Las Vegas, Nevada 89101  
 Telephone: 702/791-0308  
 Facsimile: 702/791-1912  
 Email: vnelson@nevadafirm.com

*Attorneys for Del and Ernestine Bunch*

**UNITED STATES BANKRUPTCY COURT**  
**DISTRICT OF NEVADA**

In re:  
 USA COMMERCIAL MORTGAGE COMPANY,  
 Debtor.

In re:  
 USA CAPITAL REALTY ADVISORS, LLC,  
 Debtor.

In re:  
 USA CAPITAL DIVERSIFIED TRUST DEED FUND, LLC,  
 Debtor.

In re:  
 USA CAPITAL FIRST TRUST DEED FUND, LLC,  
 Debtor.

In re:  
 USA SECURITIES, LLC,  
 Debtor.

Affects:

☐ All Debtors  
☒ USA Commercial Mortgage Company  
☐ USA Securities, LLC  
☐ USA Capital Realty Advisors, LLC  
☐ USA Capital Diversified Trust Deed Fund, LLC  
☐ USA First Trust Deed Fund, LLC

Case No. BK-S-06-10725-LBR  
 Case No. BK-S-06-10726-LBR  
 Case No. BK-S-06-10727-LBR  
 Case No. BK-S-06-10728-LBR  
 Case No. BK-S-06-10729-LBR

Chapter 11

**Jointly Administered under**  
**Case No. BK-S-06-10725-LBR**

**DECLARATION OF DEL BUNCH**

Date of Hearing: OST Pending  
 Time of Hearing: OST Pending  
 Place: Courtroom No. 1, Third Floor  
 Foley Federal Building  
 300 Las Vegas Blvd., S.  
 Las Vegas, NV 89101

Judge: Hon. Linda B. Riegler

I, Del Bunch, under oath and under penalty of perjury say:

1. I have personal knowledge of the facts recited herein, and I am competent to testify regarding them if called as a witness in this matter.


2. I am a creditor in the above-referenced bankruptcy case.

3. I am 79 years of age and homebound requiring an oxygen tank for health reasons.

My wife, Ernestine, is 77 years of age.

- 1 4. On November 8, 2006, I timely filed a proof of claim.
- 2 5. I designated my Claim as an unsecured nonpriority claim in the amount of
- 3 \$11,358,662.28.
- 4 6. I am scheduled under the Debtor's Third Amended Joint Chapter 11 Plan of
- 5 Reorganization as a Class A-4 General Unsecured Claim Against USACM.
- 6 7. With a claim of \$11,358,662.28, my Claim is the largest in Class A-4.
- 7 8. On December 4, 2006, I submitted a ballot rejecting the Debtors' Third Amended
- 8 Joint Chapter 11 Plan of Reorganization (the "Plan").
- 9 9. On December 11, 2006, USACM filed its Objection to Proof of Claim No. 1099
- 10 Filed by Del and Ernestine Bunch (the "Bunch Objection") seeking to disallow my Claim in its
- 11 entirety.
- 12 10. I did not receive notice that USACM filed its Bunch Objection against me until
- 13 December 14, 2006.
- 14 11. Hearing on confirmation of the Debtor's Plan (the "Confirmation Hearing") is
- 15 scheduled for December 19, 2006.
- 16 12. The Bunch Objection will not be adjudicated before the Confirmation Hearing.
- 17 I declare under penalty of perjury under the laws of the United States that the foregoing is
- 18 true and correct.

19 DATED this 15<sup>th</sup> day of December, 2006.

20   
21 Del Bunch